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November 21, 2001

**BOX CPA**

Commissioner for Patents  
Washington, D.C. 20231

Re: Attorney Docket No.: DIVER1220-2 (09010/046001)

This paper is a request for a continued prosecution application under 37 C.F.R. § 1.53(d) of:

Applicant: Jay M. Short  
Title: METHOD OF DNA SHUFFLING WITH POLYNUCLEOTIDES  
PRODUCED BY BLOCKING OR INTERRUPTING A  
SYNTHESIS OR AMPLIFICATION PROCESS  
Prior U.S. Application No.: 09/214,645  
Filing Date: September 27, 1999  
Attorney Docket No.: DIVER1220-2

The prior application was complete as defined by 37 C.F.R. § 1.51(b).

This request for a CPA is the reference to the prior application noted above as required by 35 U.S.C. § 120. Kindly abandon the prior application in favor of the continued proceedings that are requested herein. The prior application is currently upon Appeal. Please enter the Preliminary Amendment submitted herewith.

Applicants respectfully request the Examiner not to enter the amendments set forth in the Response filed June 21, 2001 to the Final Office Action mailed January 22, 2001 in this application.

The prior application is assigned of record to DIVERSA CORPORATION, by virtue of an Assignment submitted to the Patent and Trademark Office for recording on September 27, 1999, at Reel No. 010253 and Frame No. 0517

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Date of Deposit: **November 21, 2001**

I hereby certify under 37 C.F.R. § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the U.S. Patent and Trademark Office (BOX CPA) P.O. Box 2327, Arlington, VA 22202

**JASON BERRY**

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**GRAY CARY WARE & FREIDENRICH LLP**

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Prior U.S. Application No.: 09/214,645  
Filing Date: September 27, 1999  
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This request includes Three (3) sheets, and the following:

- Preliminary Amendment – including Exhibit A (15 pages);
- Petition for Three (3) Months Extension of Time (2 pages); and
- Return Receipt Postcard.

The entire disclosure of the prior application is considered as being part of the disclosure of accompanying application and is incorporated by reference.

This application is entitled to small entity status. Small entity status from a previous application is still proper. Fees are being paid herein at a small entity rate.

The filing fee has been calculated as shown below:

	Number Filed			Number Extra		Rate			Fee	
									Large Entity	Small Entity
Total Claims	14	-20	=	0	X	\$18	\$09	=	\$0.00	\$0.00
Independent Claims	2	-3	=	0	X	\$84	\$42	=	\$0.00	\$0.00
Multiple Dependent Claims Presented: ___ Yes <u>X</u> No						\$280	\$140		\$0.00	\$0.00
						BASIC FEE			\$740.00	\$370.00
						TOTAL FEE			\$0.00	\$370.00

The Commissioner is hereby authorized to charge a TOTAL FEE of \$830.00; which consists of \$370.00 for the basic filing fee; and \$460.00 for the Three (3) Months Extension of Time fee, and any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A duplicate copy of this Transmittal is enclosed.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please telephone the undersigned.

**GRAY CARY WARE & FREIDENRICH LLP**

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Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

Lisa A. Haile, J.D., Ph.D.  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP



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Enclosures  
LAH/JML:ct

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